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Robert D. Shedd			CHAO, MICHAEL W	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,556	<b>Applicant(s)</b> LI ET AL.
	<b>Examiner</b> Michael Chao	<b>Art Unit</b> 2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 25 November 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s)       is/are withdrawn from consideration.

5) Claim(s)       is/are allowed.

6) Claim(s) 1-29 is/are rejected.

7) Claim(s)       is/are objected to.

8) Claim(s)       are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on       is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No.      .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/0256/06)  
Paper No(s)/Mail Date      

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date      

5) Notice of Informal Patent Application

6) Other:

**DETAILED ACTION**

**35 USC § 112**

Claim 26, 27 contain the phrase means or step for. It has been construed as covering the corresponding structure, material, or acts described in the specification and equivalents thereof.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 28 is directed toward a "plug-in program [] to be employed on a web browser". This constitutes software *per se*; software is none of a process, machine, manufacture, nor composition of matter. As such, claim 28 is directed toward non-statutory material.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11, 13, 15-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick, in view of Shachor (US 6,947,992).

With respect to claim 1, Slotznick teaches; A method for remote side downloading (RSD) comprising:

establishing a session between a local computer and a content server having a resource locator; ("the TV Phone allows the user to surf the Internet" paragraph [0016])

selecting a content file to be downloaded from the content server; ("the telephone device includes a display screen which displays content" paragraph [0092])

selecting a remote site geographic drive to which the content file is to be downloaded from the content server; ("transmit data to a nearby television screen or computer screen to be displayed" paragraph [0016])

sending the packed information to a remote site computer from the local computer; (paragraph [0095])

wherein the remote site computer uses the packed information to download the selected content file to the selected geographic drive. ("the local control device receives the signal and transmits a request over an electronic network to retrieve the content" paragraph [0096])

Slotznick may not explicitly disclose the limitations; "receiving at least one message of the session; packing information comprising the message of the session and the resource locator;"

Shachor discloses such limitations; "The session ID is preferably stored by the client in the form of a cookie. The Web site pages are coded so that when the client

subsequently accesses the Web site again, the session ID is included in the client's HTTP request." (Shachor column 2 line 26)

A person of ordinary skill in the art would have used the session ID's disclosed by Shachor with the telephone control and set top box device of Slotznick by adapting the system of Slotznick to accommodate session ID's, therefore, allowing the set top box access to the users session.

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include the session ID's of Shachor in Slotznick in order to accommodate web sites that "remember state information from one session to the next" (Shachor column 1 line 34)

Regarding claim 2, the combination discussed above teaches; wherein the local computer has a RSD program configured to pack the information and send the information to a remote site computer. ("the electronic address of the content is communicated from the telephone device to the local control device" paragraph [0095])

Regarding claim 3, the combination discussed above teaches; wherein the RSD program is a plug-in in a web browser. (paragraph [0016])

Regarding claim 4, the combination discussed above teaches; wherein the message of the session includes data, comprising information selected from the group consisting of authentication information, authorization information, and session duration information. ("input from the phone may . . . enables the set-top box to descramble a pay per view movie or channel (while charging the user's account or credit card)" paragraph [0030])

Regarding claim 5, the combination discussed above teaches; wherein the session is a web session. (paragraph [0016])

Regarding claim 6, the combination discussed above teaches; wherein the message of the session is a web browser cookie. ("The session ID is preferably stored by the client in the form of a cookie. The Web site pages are coded so that when the client subsequently accesses the Web site again, the session ID is included in the client's HTTP request." Shachor column 2 line 26)

Regarding claim 7, the combination discussed above teaches; wherein the content file is represented by the resource locator which comprises the packed information identifies the selected content file for the remote site computer. (paragraph [0095])

Regarding claim 8, the combination discussed above teaches; wherein the local computer establishes the session via a first access network and the remote computer downloads the content file via a second access network. ("the phone line is the input and output for the telephone portion of the TV Phone. The cable from the television is used to send the signal from the TV blinking interval" paragraph [0019])

Regarding claim 9, the combination discussed above teaches; wherein the geographic drive is at a fixed location. (paragraph [0095])

Regarding claim 11, the combination discussed above teaches; wherein the geographic drive is at a hotspot. ("in an alternate embodiment, the wireless transmitter is built into the TV and is not a separate set-top box" paragraph [0024])

Regarding claim 13, the combination discussed above teaches; wherein the remote site computer has an RSD server program to download the file from the content server using the resource locator and message of the session (paragraph [0096]) or assigns a cache server to download the file from the content server and store the file until the computer associated with the geographic drive is available to receive the content file from the cache server.

Regarding claim 15, the combination discussed above teaches; wherein the session between the local computer and the content server is a secured session and the content file is purchased using a credit card, wherein the content server uses the message of the session to assure that the downloading request is authentic. (paragraph [0030])

Regarding claim 16, the combination discussed above teaches; wherein the geographic drive is a location dependent storage on a local computer comprising a map containing data comprising one or more of a name of an associated network, (paragraph [0019]) a user ID of the associated access network, a password of the associated access network, a geographical location of a static location or a dynamic hotspot location, and an RSD assignment command comprising executables and parameters to be made when the geographic drive is accessed.

Regarding claim 18, the combination discussed above teaches; wherein the local computer uses a web browser with an RSD plug-in to establish the session with the content server. (paragraph [0016])

Regarding claim 19, the combination discussed above teaches; wherein the content file is a multimedia file. (paragraph [0030])

Regarding claim 20, the combination discussed above teaches; wherein the content file is a movie file. (paragraph [0030])

Regarding claim 21, the combination discussed above teaches; wherein the packed information is sent to the remote site computer as an instant message, an e-mail with an attachment comprising the packed information, or an HTTP request. ("The session ID is preferably stored by the client in the form of a cookie. The Web site pages are coded so that when the client subsequently accesses the Web site again, the session ID is included in the client's HTTP request." Shachor column 2 line 26)

With respect to claim 22, the combination discussed above teaches; A system for remote site downloading (RSD) comprising a local computer configured to enable selection of a geographic drive (paragraph [0016]) and for packing information comprising a session cookie and a URL (paragraph [0095]) and sending the packed information to a remote site computer (paragraph [0095]) for automatic downloading of a content file selected during a session between the computer and a content server. (paragraph [0096])

Regarding claim 23, the combination discussed above teaches; wherein the local computer has a web browser with an RSD plug-in. (paragraph [0016])

Regarding claim 24, the combination discussed above teaches; wherein the local computer is a mobile device (paragraph [0016]) and the remote site computer has a

broadband connection, (paragraph [0019]) wherein the broadband connection is wireless or wired. (paragraph [0019])

Regarding claim 25, the combination discussed above teaches; A system for facilitating remote site downloading (RSD) of a content file selected using a first computer from a content web server for downloading to a remote computer geographic drive comprising programming in the first computer comprising a browser RSD plug-in (paragraph [0016]) which enables identification of a remote computer geographic drive for receiving and storing the selected content file, (paragraph [0016]) packs information comprising a cookie, and sends the packed information comprising the cookie to the remote computer, (paragraph [0095]) the packed information comprising a cookie functioning to cause the remote computer to automatically requested the content web server to download the content file to the geographic drive. (paragraph [0096])

With respect to claim 26, the combination discussed above teaches; A system for facilitating the transferring a content file from a web content server to a geographic drive on a remote site computer comprising means for providing a proxy comprising a cookie and a URL which controls the downloading of the content file from the web content server; and means for transmitting the proxy to the remote site computer. (paragraph [0095])

Regarding claim 27, the combination discussed above teaches; wherein the means for providing the proxy comprises a web browser having an RSD plug-in. (paragraph [0016])

Regarding claim 29, the combination discussed above teaches; A web browser having the plug-in program of claim 27. (paragraph [0016])

Regarding claim 17, the combination discussed above teaches; wherein the geographic drive map provides the address, (It is inherent that a network device will have an address.) user ID, password, and the RSD assignment. (paragraph [0030]). the combination discussed above does not explicitly teach; geographical location. It would, however, have been obvious that such information should be provided to the kiosk of Figure 15 to determine the efficacy of the content being presented at that location. A person would have done this by storing the actual location of the kiosk. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to store the location of the kiosk in order to compare usage data at various locations.

Regarding claim 28, the combination discussed above teaches; A plug-in program for a web browser to be employed on a local computer, the plug-in program enabling transfer of a content requesting session between the local computer and a content web server by packing information comprising one or more cookies received on the local computer from the content web server and a URL for the requested file on the content web server, (paragraph [0095]). The combination discussed above does not teach; sending the packed information by instant messenger, an e-mail with the information attached, or an HTTP request. However it would have been obvious to use HTTP to transmit data. A person of ordinary skill in the art would have done this by using HTTP to transfer all media request data between the TV Phone and the base station. It would have been obvious at the time the invention was made to a person of

ordinary skill in the art to use HTTP as a transfer protocol in order to bypass typical firewalls, and because it is a well known standard.

Claims 1, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feigenbaum (US 6,377,974), in view of Shachor (US 6,947,992).

With respect to claim 1, Feigenbaum teaches; A method for remote side downloading (RSD) comprising:  
establishing a session between a local computer and a content server having a resource locator; ("clicking on a Hypertext Markup Language link in a web page" Feigenbaum column 3 line 65)  
selecting a content file to be downloaded from the content server; ("a file to be downloaded is indicated at client 10" Feigenbaum column 3 line 62)  
selecting a remote site geographic drive to which the content file is to be downloaded from the content server; ("or may request that proxy server 16 known to client 10 . . . download the file from the server 12 to itself" column 4 line 12)  
sending the packed information to a remote site computer from the local computer ("After detecting the premature termination of the download, client 10 requests from proxy server 16 the portion of the file that has not yet been downloaded from server 12" Feigenbaum column 3 line 6)  
wherein the remote site computer uses the packed information to download the selected content file to the selected geographic drive. ("In response to the request from client 10, proxy server 16 downloads the file from server 12." Feigenbaum column 3 line 12)

Fiegenbaum may not explicitly disclose the limitations; "receiving at least one message of the session; packing information comprising the message of the session and the resource locator;"

Shachor discloses such limitations; "The session ID is preferably stored by the client in the form of a cookie. The Web site pages are coded so that when the client subsequently accesses the Web site again, the session ID is included in the client's HTTP request." (Shachor column 2 line 26)

A person of ordinary skill in the art would have used the session ID's disclosed by Shachor with the proxy download device of Fiegenbaum by adapting the system of Fiegenbaum to accommodate session ID's, therefore, allowing the proxy server access to the users session.

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include the session ID's of Shachor in Fiegenbaum in order to accommodate web sites that "remember state information from one session to the next" (Shachor column 1 line 34)

Regarding claim 10, the combination discussed above may not teach; wherein the geographic drive is at a dynamic location. However, it is evident that the proxy server is not incapable of being located in a new building or rack or being moved for maintenance alone. It is therefore obvious that the proxy server would be capable of being moved. A person of ordinary skill in the art would have moved the proxy server by changing the location of the server within the building, or changing the building it was housed in. It would have been obvious at the time the invention was made to a person

of ordinary skill in the art to move the proxy server in order to place it in a more desirous location.

Regarding claim 12, the combination discussed above teaches; wherein the remote site computer downloads the file from the content server using the resource locator and the message of the session to store the content file in a cache server until the computer associated with the geographic drive is available to retrieve the content file from the cache server. ("and client 10 downloads the entire file from proxy server 16 using conventional download and download resume techniques" Feigenbaum column 4 line 28) ("while many client connections, such as dial-up connections, transmit and receive data at rates of less than 10 kilobytes per second." Feigenbaum column 3 line 20)

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feigenbaum in view of Shachor as applied to claim 1 above, and further in view of Stefanik et al. (US 6,959,285).

Regarding claim 14, the combination discussed above teaches; the cache server has an RSD server program that receives the packed information, downloads the selected content file from the content server using resource locator and message of the session. The combination discussed above does not teach; wherein the geographic drive is a mobile computer and the remote site computer is a cache server at a hotspot, and stores the content file until the mobile computer signs in at the hotspot and then downloads the content file from the cache server to the mobile computer geographic drive. Stefanik teaches such limitations; wherein the geographic drive is a mobile

computer and the remote site computer is a cache server at a hotspot, ("and initiates a wireless session with the software ATM" Stefanik column 11 line 13) and stores the content file until the mobile computer signs in at the hotspot and then downloads the content file from the cache server to the mobile computer geographic drive. ("At step 760 the user can download the selected program into the portable computer system after the purchase/rental transaction is complete." Stefanik column 11 line 40). A person of ordinary skill in the art would have used the mobile computer and software ATM system of Stefanik with the proxy combination discussed in claim 1 by allowing customers with mobile computers to proxy software at 'ATM' stations for purchase ("Since the software titles are low priced, the payment can be made by cash insertion, or, by a user's credit or debit card" Stefanik column 3 line 33). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to use the proxy combination discussed in claim 1 with the mobile computer and ATM system of Stefanik in order to charge customers for the bulk downloading service provided.

***Response to Arguments***

Applicant's arguments, see page 11, filed 11/25/2008, with respect to the rejection(s) of claim(s) 35 USC 102 under Dell have been fully considered and are persuasive. The removal of 'adapted to' renders the limitations affirmatively.

Applicant's arguments, see page 12, filed 11/25/2008, with respect to the rejection(s) of claim(s) 1-9, 11, 13, 15, 16, 18-20, 22-27, and 29 under 35 USC 102 (Slotnick) have been fully considered and are persuasive. Slotnick does not explicitly

mention a cookie, or as now recited, a 'message of the session'. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shachor.

Applicant's arguments, see page 13, filed 11/25/2008, with respect to the rejection(s) of claim(s) 1, 10, 12, 14 under 35 USC 102 (Henrick) have been fully considered and are persuasive. Henrick does not explicitly mention a cookie, or as now recited, a 'message of the session'. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Feigenbaum in view of Shachor.

Applicant's arguments filed 11/25/2008 have been fully considered but they are not persuasive.

Applicant asserts, on page 12, that "local and remote refer to the location of the user and the devices". It should however be evident that the location of the user cannot be claimed; at least for the reason that the user is not part of the apparatus or method. Applicants argument is not persuasive.

Applicant asserts, on page 12, that "Slotznick never accomplishes 'remote site downloading,' because the user is present at the download site". Including the above mentioned issue with respect to the user; the limitation of 'remote site' is filled by the communication of the web enabled phone with the set-top box in Slotznick. While they are described in a manner that would imply their co-location in a single room, the set-top box is remote in the sense that the user is not operating it directly. Applicants argument is not persuasive.

Applicants further arguments depend on the above mentioned, and are persuasive or not persuasive as stated above.

### ***Conclusion***

A shortened statutory period for response to this action is set to expire **three months** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chao, whose telephone number is (571) 270-5657. The examiner can normally be reached on M-T from 9:00 a.m. to 4:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Andrew Caldwell, can be reached at (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C./  
Examiner, Art Unit 2442

/Andrew Caldwell/  
Supervisory Patent Examiner, Art  
Unit 2442

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